

June 20, 2016

MEMORANDUM

SUBJECT: Enforcement and Compliance FY 2016 Reporting Plan

FROM: John Dombrowski
Director, Enforcement Targeting and Data Division

TO: Regional Enforcement Division Directors
Regional Enforcement Coordinators
Regional Media Division Directors
Regional Counsels
Superfund National Policy Managers
OECA Office Directors

This memorandum and its attachments provide the process and deadlines for reporting, reviewing, and certifying federal enforcement and compliance data for fiscal year (FY) 2016. The FY 2016 schedule was modified to incorporate suggestions from the Data Certification Lean process. Please pay particular attention to the FY 2016 schedule, the description of new reporting requirements, and changes to existing requirements.

Most of the data quality review can be completed utilizing the features of the Office of Enforcement and Compliance Assurance (OECA) Federal Enforcement and Compliance Dashboard (FE&C Dashboard). Integrated Compliance Information System (ICIS) reports are also available that may be run by each Region if more detailed action-specific data are desired.

End-of-Year Certification

Regions have until October 14, 2016, to enter all FY 2016 data. All enforcement and compliance monitoring data should be entered into ICIS within two weeks after an activity occurs to avoid a surge of data entry at end-of-year. We recognize that in some instances this is not possible in which case all data must be entered by October 14, 2016. Timely data entry is critical because senior level managers regularly check the FE&C Dashboard looking for specific case entries.

Between ***October 1 and 20, 2016***, regions and headquarters offices will identify and correct any outstanding data errors or omissions. On October 20, 2016, regions and headquarters offices will use their Select Measures Workbook to manually provide the additional required numbers.

The final FY 2016 certification form will be available by October 3, 2016.

If you have any questions concerning the certification process, please contact Sara Ager, Leader, Reports Team, at (202) 564-7968. If you have questions concerning the National Priorities/ Enforcement Initiatives or the Annual Commitment System (ACS) process or measures, please contact Michele McKeever, Chief, National Planning and Measures Branch at (202) 564-3688.

Attachments

cc: Cynthia Giles, OECA AA
Lawrence Starfield, OECA Principal DAA
David Hindin, OECA Senior Policy Advisor
Lauren Kabler, OCE
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John Fogarty, OCE
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OC Office Directors and OC Deputy Office Directors
OECA Division Directors
Regional Federal Facility Program Managers
FFEO Regional Liaisons
Regional ICIS-FE&C, ICIS-NPDES and RCRAInfo System
Administrators (Regions 1 - 10 and HQ)
ICIS FE&C System Contacts
Superfund Information Management Coordinators (Regions 1 - 10)
Superfund Regional Counsel Branch Chiefs (Regions 1 - 10)
OC/ETDD Management and Staff

<u>FISCAL YEAR (FY) 2016 KEY REPORTING AND CERTIFICATION DATES</u>	
<u>DATE</u>	<u>ACTION</u>
April 15, 2016	Data Entry Deadline For All FY 2016 mid-year data - All data through March 31, 2016, has been entered into the database of record.
April 20, 2016	<p>Completion of Data Quality Review - All databases, and the FE&C Dashboard, have been reviewed, and all data through March 31, 2016, has been entered into the database of record completely and accurately.</p> <p>ICIS Data Quality Review reports have been run, and identified errors and omissions have been corrected.</p> <p>Department of Justice (DOJ) Reports (Debts Assessed, Complaints Filed, and Referrals) have been reviewed, and identified errors and omissions have been corrected.</p>
July 15, 2016	Data Entry Deadline For All Data Thru June 30, 2016 - All data through June 30, 2016, has been entered into the database of record.
July 22, 2016	<p>Completion of Data Quality Review - All databases, and the FE&C Dashboard, have been reviewed, and all data through June 30, 2016, has been entered into the database of record completely and accurately.</p> <p>ICIS Data Quality Review reports have been run, and identified errors and omissions have been corrected.</p> <p>DOJ Reports (Debts Assessed, Complaints Filed, and Referrals) have been reviewed, and identified errors and omissions have been corrected.</p>
October 14, 2016	Data Entry Deadline For FY 2016 - All data through September 30, 2016, has been entered into the database of record.
October 20, 2016	<p>Completion of Data Quality Review - All databases, and the FE&C Dashboard, have been reviewed, and the FY2016 data is complete and accurate.</p> <p>ICIS Data Quality Review reports have been run, and identified errors and omissions have been corrected.</p> <p>DOJ Reports (Debts Assessed, Complaints Filed, and Referrals) have been reviewed, and identified errors and omissions have been corrected.</p> <p>Certification Deadline - Regions and OECA offices certify that all FY 2016 data in the national database systems are accurate and complete. Any corrections requested after October 20, 2016, require a memorandum from the Regional Administrator (RA) or Office of Enforcement and Compliance Assurance (OECA) Office Director (OD) to the Director of the Office of Compliance (OC).</p>

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Data Entry

1. Standard Operating Procedures (SOP) for Assuring Timely Review of the Largest Environmental Benefit Cases Resulting from EPA Enforcement Actions

Beginning in FY 2016, in an effort to improve the timeliness of accurate case specific enforcement environmental benefits reporting, OECA will implement a standard operating procedure (SOP) for Headquarters (HQ) review and approval of the underlying environmental benefit calculations prior to their public release. The SOP will include a standard timeline for submitting environmental benefits calculations to HQ for review and approval. Following the SOP will ensure enough time is allowed for the calculations to be reviewed and approved before the case is lodged and the information is made available to the public via an OECA press release or public EPA website.

The SOP is only applicable to large environmental benefits cases with estimated amounts of 5 million or more units. Typical reporting units of measure for cases with the largest environmental benefit units are pounds, cubic yards and gallons. The SOP details the processes that enforcement staff are expected to follow to properly calculate case specific environmental benefits and provide the calculation information to HQ for quality review and approval. No new reporting requirements are being implemented beyond those already established as part of the annual data certification process. HQ plans to solicit regional and HQ staff comments on the draft SOP prior to finalizing the document and prior to FY 2016 implementation.

For more information, contact Donna Inman, at 202-564-2511 or inman.donna@epa.gov.

2. Case Conclusion Data Sheet (CCDS) Decision Tool for Calculating Environmental Benefits

HQ has developed an electronic tool to help users navigate the process/steps for calculating environmental benefits resulting from concluded enforcement cases. The tool is located on the intranet at: <http://intranet.epa.gov/oeca/oc/pmod/ebdecisiontool>. The Decision Tool consists of a series of questions and decision points that the user must answer to be directed to the appropriate methodology/section of the CCDS guidance given the case scenario being reported. The tool provides links to the FY 2014 CCDS guidance document, CCDS Excel calculator tools and previously developed instructional training materials. Training on use of the Decision Tool is scheduled to be completed by 4th Quarter of FY 2016.

For more information, contact Donna Inman, at 202-564-2511 or inman.donna@epa.gov.

3. New RCRA Hazardous/Non-Hazardous Waste Government Performance and Results Act (GPRA) Measure

Beginning in FY 2016, with agreement from the Office of Management and Budget (OMB), OECA is implementing a new Government Performance and Results Act (GPRA) reporting measure, “Estimated Hazardous and Non-hazardous Waste Treated, Minimized or Properly Disposed of (pounds),” under which OECA will include results from enforcement cases that address RCRA

hazardous **and** non-hazardous waste that is not comingled with soil or groundwater. The result of this change is that RCRA Subtitle C and D pollutant reductions will be counted in the same reporting category. This categorization also applies to any waste treated, minimized or disposed of as part of non-RCRA primary law/section enforcement actions, which is not released to air or water and is not a TSCA regulated material or pesticide product. For example, the liquid form of the contaminant mercury released to land when remediated, if not comingled with soil or groundwater, would be counted in the waste reduction measure. The gaseous form of mercury (released to air) would be counted as an air medium reduction. For these benefits to be entered into ICIS, the appropriate RCRA law/section would need to be entered as a secondary law/section for the action.

We will continue to measure and count waste materials that exist on or below ground and are comingled with an environmental medium (e.g., soil or groundwater) as “Volume of Contaminated Medium Addressed (VCMA) (cu yards).” Additional enforcement case examples explaining hazardous and non-hazardous waste environmental benefits calculations will be available in the CCDS guidance in the near future.

For more information, contact Donna Inman, at 202-564-2511 or inman.donna@epa.gov.

4. Clarifying Language in the Consent Decree (CD) Tracking Guidance Re: Lead Region Responsibility for Inputting Data to ICIS for Multi-Regional Cases

On October 30, 2015, the Office of Compliance (OC) transmitted a slightly revised version of the “Guidance on Tracking Civil Judicial Consent Decree Implementation in ICIS,” (last reissued October 1, 2010). See <https://icis.zendesk.com/entries/80068663-Consent-Decree-Tracking-Guidance-10-19-2015->. Per a recommendation in a recent Office of Inspector General (OIG) report, “EPA Can Reduce Risk of Undetected Clean Air Act Violations Through Better Monitoring of Settlement Agreements,” OC agreed to make a small change to this guidance. (See the OIG report at this link, <http://www2.epa.gov/sites/production/files/2015-09/documents/20150910-15-p-0277.pdf>, pp. 26-27, recommendation 3.) OC agreed to amend the guidance to add a definition for the term “lead Region.” The term “lead Region” refers to the EPA Region that is responsible for tracking Consent Decree compliance for multi-Regional consent decrees (by conferring with the other regions participating in this case).

The definition (below) added to the guidance follows the approach that historically has been used by the regions for identifying the lead Region for multi-regional cases. OC conferred with the Office of Civil Enforcement (OCE) on this revision and also reviewed the comments received on the 2010 version of this guidance and found that no issues had been raised about the definition of “lead Region.”

Below is the section of the CD Tracking Guidance (from page 10 of the guidance) that has been amended by adding a footnote defining “lead Region”:

Multi-Regional Consent Decrees

ICIS allows the regions to enter data on multi-regional consent decrees. The lead Region¹⁶ enters the consent decree into ICIS as a *Consent Decree or Court Order Resolving*

a Civil Judicial Action. The non-lead Region does so as *Non-Lead Participant in Multi-Regional Case*.

Consistent with existing procedures for multi-regional cases, under this *Revised Guidance*, each Region is responsible for tracking consent decree compliance for the facilities located in its own Region. *For purposes of ICIS data entry pursuant to the Guidance, however, the lead regions will be solely responsible for implementing the Revised Guidance's requirements concerning the four consent decree implementation milestones.* Accomplishing this will require the lead and non-lead regions to communicate in a timely and effective manner regarding the defendants' compliance with the three specific, one-time event milestones and fourth overall consent decree compliance milestone. The procedures for multi-regional consent decree tracking may be revisited as experienced is gained implementing the *Revised Guidance*.
The added footnote reads:

[16] The "lead Region" for a multi-Regional case is the Region that was determined to receive the conclusion count for the case, and whose enforcement action case record in ICIS is flagged with the Final Order Type, "Consent Decree or Court Order Resolving a Civil Judicial Action" (unlike the other regions that participated in the case whose enforcement action case records are flagged with the Final Order Type, "Non-Lead Participant in Multi-Regional Case").

If you have questions, please contact Dan Palmer, at 202-564-5034 or Palmer.daniel@epa.gov.

5. Reporting Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Confidential Business Information (CBI) Outcomes

Pesticide outcomes should be reported in accordance with the FIFRA CBI Outcomes Reporting Protocol. Actual "in-commerce" amounts can be reported directly into ICIS as these amounts are generally not considered CBI. However, when an actual "in-commerce" amount is not available (e.g., when the enforcement action requires permanent changes to how a pesticide is being produced and, therefore, causes an impact on future production), reportable quantities are calculated using an annualized basis, which uses the annual production data for the violative product as reported in the Section Seven Tracking System (SSTS).

These annualized quantities are protected by FIFRA CBI restrictions and may only be reported using the aggregation methodology, which requires at least three or more results to be reported in aggregate. An exception to this procedure may be applicable if the company explicitly grants permission for EPA to publish the annualized production data for their company. To report these CBI-protected amounts, regions should enter the aggregated quantities into the Select Measures Workbooks at the end of the year.

If you have questions, please contact Yolaanda Walker, at 202 564-4281 or walker.yolaanda@epa.gov.

6. New Standard Reports for Obtaining High Priority Violation (HPV) Related Information from ICIS-Air

In response to frequent requests from ICIS-Air users, OC has created two new standard reports for use in obtaining information related to HPVs from ICIS-Air. These reports are updated versions of the old Air Facility System (AFS) 659 and 620 reports. Below are brief descriptions of the new reports:

- **High Priority Violator (HPV) Summary Report (659)** - Presents crosstabs summarizing for any particular authorized region, state, or locality and a specified period: 1) the total number of HPVs, 2) the number of HPVs added, and 3) the number of HPVs addressed and unaddressed. In addition, the details list within the report shows each HPV case file, which may include one to many HPVs, and relevant dates (e.g., Earliest HPV Day Zero Date, Pathway Addressing Date, Days From HPV Day Zero To Addressed, etc.). The details list can be sorted by different attributes. Please note that the current HPV policy does not specify a definitive timeline for when a case with an HPV should be addressed. Therefore, the HPV Summary Report does not include crosstabs related to a 270-day deadline that were included in the AFS 659 report.
- **Case File Pathways Report (620)** - Presents all detailed information for case files, as well as related linked activities, such as Discovery Action and Addressing Action. The information is comprehensive, but split among different tables for each case file.

The reports are available in the “Air Reports / National Standard Reports” folder.

If you have any questions, please contact ICIS Customer Support, at 202-564-7756 or ICIS@epa.gov.

7. Pilot Expanding Emergency Planning and Community Right-to-Know Act (EPCRA) § 313 Compliance Monitoring Activities Beyond Traditional On-site Inspections

OECA’s decision to expand beyond the traditional on-site inspections and include the use of off-site compliance monitoring activities takes advantage of enhanced technology and maximizes the Agency’s resources by helping regions evaluate regulated entities’ compliance effectively and efficiently. OECA, in coordination with the regions, states and state associations, developed an expanded list of off-site compliance monitoring activities. Off-site activities can be an important element in a Region’s compliance monitoring plan.

FY 2016 will be a pilot year to implement a compliance monitoring activity change for the EPCRA § 313 program. Specifically, OECA is requesting that the regions input into ICIS all off-site record reviews (sometimes referred to as “desktop audits”). While these off-site record reviews will not count to fulfill a portion of their FY 2016 EPCRA § 313 01 and 02 ACS commitments, it is anticipated that regions will be able to use off-site record reviews to fulfill a portion of their FY 2017 ACS commitments. This FY 2016 pilot information captures an additional regional compliance monitoring activity that Headquarters and the regions may use for program management.

ICIS already has an off-site record review category for EPCRA § 313. This is the category the regions should use to record all their EPCRA § 313 off-site record reviews for both non-reporter and data quality off-site record reviews. If a Region decides to use the voluntary off-site record review for the pilot, the following conditions apply:

- The activity must be conducted for the purpose of making a compliance determination;
- Off-site activities must be conducted by an authorized inspector (consistent with appropriate federal or tribal authority) or other credible regulator (e.g., an individual with sufficient knowledge, training, or experience to assess compliance); and
- The activity must be documented in ICIS to ensure transparency, accountability, and appropriate follow-up.
- Reporting includes:
 - Facility-specific information and compliance evaluation actions consistent with ICIS; and
 - Results of activities consistent with the EPCRA § 313 program (e.g., violations).

For more information, contact Kathy Clark, at 202-564-4164 or clark.kathy@epa.gov or Elizabeth Vizard at 202-564-5940 or vizard.elizabeth@epa.gov.

8. Federal Enforcement and Compliance Dashboard (FE&C Dashboard) Release 2.3.0 to Production

A new release of the Federal Enforcement and Compliance Dashboard (FE&C Dashboard) was deployed to ICIS Production on March 31, 2016. This release included a new Homepage, with a new look. The release also updated the Environmental Benefits destination media. The metric “Estimated Hazardous Waste Treated, Minimized or Properly Disposed of (pounds)” was replaced by “Estimated Hazardous and Non-Hazardous Waste Treated, Minimized or Properly Disposed of (pounds).” This update was necessary to count results from enforcement cases that address both hazardous and non-hazardous waste that is not comingled with soil or groundwater. Previously RCRA non-hazardous waste amounts were counted in the “Land – Lbs. Reduced, Treated or Eliminated (pounds)” metric. They are now correctly counted in this updated metric. This corresponds with updates made to the National Standard Reports. Note: This updated destination media usage is for environmental benefits that are reported in FY 2016 and future years; previous year counts and collection method are unchanged. The update is in accordance with an agreement between OMB and OECA to implement a new GPRA reporting measure in FY 2016.

The release updating Clean Air Act (CAA) Mobile Source enforcement results has also been made. CAA Mobile source results are now broken out from CAA Stationary Source results. Prior to this update, CAA Stationary Source results and CAA Mobile Source results were lumped together under the common CAA Stationary Source metric (in National Standard Report this was the CAA metric). This change corresponds with updates made to the National Standard Reports. OCE requested that the two programs be broken out from each other to enable more efficient management of the CAA program. Note: This update is for counts that are reported in FY 2016 and future years; previous year counts and collection method are unchanged.

A link to the FE&C Dashboard can be found on the OECA Intranet Home Page:
<http://intranet.epa.gov/oeca/oc/index.html>.

If you have questions about these changes or the FE&C Dashboard, please contact Tony Galati, at 202-564-2299 or galati.anthony@epa.gov.

9. Clean Air Act (CAA) Stationary Source Compliance Monitoring Strategy (CMS) Reports Available for Conducting Enhanced Data Quality Analyses

There are a slate of National Standard Reports available in ICIS Business Objects to help ensure CAA regulated facilities are evaluated on a regular and consistent basis. The reports provide access to detailed facility specific information such as source classification, operating status, the last Full Compliance Evaluation (FCE) reported, and the CMS Status, which indicates whether a facility included on a CMS plan is overdue for a FCE. These reports should be used to conduct regular data quality checks to verify the proper recording of FCEs, source classifications, and source operating status of facilities in ICIS-Air.

If you have questions about these reports, please contact ICIS Customer Support, at 202-564-7756 or ICIS@epa.gov.

National Enforcement Initiative (NEI) Reporting

10. Municipal Separate Stormwater Sewer Systems (MS4) NEI Reporting, Data Migration, and Training in FY16

In FY 2016, HQ expects to transfer reporting for the MS4 segment of the Municipal Infrastructure NEI to ICIS. Until this occurs, the regions should continue to input MS4 data into the MS4 spreadsheets that are distributed and maintained by the Strategy Implementation Team (SIT). Until the shift to ICIS is made, the regions are responsible for assuring that these spreadsheets are updated and for reviewing them for accuracy and completeness as part of the FY 2016 data certification process.

The data migration and data entry to ICIS for the MS4 NEI will be unique because of the need to track the status of MS4 systems, in addition to individual MS4 permittees. This will require the use of the "Associated Permits" data field in ICIS-NPDES, a new Spreadsheet Report specifically designed for the MS4 data, and Case File determination records that address the permittees, individual co-permittees, and the overall MS4 system. OECA will provide training for the regions on MS4 ICIS data entry at the time of the data migration to ensure the regions understand how the data is to be recorded in ICIS, particularly how to properly enter MS4 Case File records.

If you have questions about MS4 NEI Reporting, please contact Dan Klaus, at 202-564-7757 or Klaus.dan@epa.gov.

11. NEI Reporting Guide – Updated for FY 2016 and Posted - and Key Areas for Attention

The FY 2016 NEI Reporting Guide has been updated and posted on the intranet at <http://intranet.epa.gov/oeca/oc/etdd/reporting/fy2016>. Please refer to the NEI Reporting Guide to

determine what NEI data is required to be reported for each NEI (it differs by NEI) and how to enter that required data into ICIS.

These are the three key areas of NEI ICIS reporting that require attention in FY 2016:

1. Reporting addressed and no further action determinations on the Case File screen for all of the NEIs, particularly the Energy Extraction (EE), CAFO, Mineral Processing and New Source Review/Prevention of Significant Deterioration (NSR/PSD) NEIs. Many regions have many inspections and/or enforcement actions reported under the NEIs for which no Case File record was created in ICIS. All or virtually all such activities should have a related Case File record.
2. Assuring for the Energy Extraction (EE) NEI that any EE activity numbers provided directly to the SIT match the numbers in ICIS, or, BETTER, come from ICIS. At EOY FY 2015, the EE SIT received numbers from some regions that did not match the EE activity data reported to ICIS.
3. Checking the Muni Combined Sewer Overflow (CSO), Sanitary Sewer Overflow (SSO), Mineral Processing and New Source Review (NSR) (cement, acid, glass and coal-fired power plants) NEI Spreadsheet Reports to assure the universes of facilities are correct for your Region. The CSO and SSO universes were corrupted in ICIS late in FY 2015 and are being reassembled – making this especially important for these two NEIs.

If you have questions about NEI reporting, please contact Dan Klaus, at 202-564-7757 or Klaus.dan@epa.gov.

12. Other Planned NEI Data Migrations

In FY 2016, OC intends to upload to ICIS information on NSR/PSD NEI facilities for which a determination has been made that no further action at that facility is required. The addition of this data to ICIS will assure that managers who use ICIS to review the status of the NSR/PSD NEI universe will have complete information on the status of each facility. The data will be uploaded to the Facility No Further Action Type data field on the Case File data screen. If Case File information already exists for a facility in ICIS, that information will not be overwritten by the import.

At the same time, OECA plans to import inspection/investigation information for NSR/PSD NEI facilities and Mineral Processing NEI facilities. Importing this data into the ICIS Compliance Monitoring module is too complex, so the data will be imported into the Facility NEI Initiated Action Type data field on the Case File data screen (with modified drop-down menus). Since historical inspection and investigation data for NSR/PSD NEI sources were previously maintained in the Air Facility System (AFS) and Mineral Processing NEI data was maintained in RCRAInfo, the inspection data for these facilities in ICIS is sometimes incomplete or not flagged appropriately.

The addition of this data in the ICIS Case File screen will allow managers to have reliable information on the inspection status of these facilities, including through the use of modified

NSR/PSD and Mineral Processing NEI Spreadsheet Reports. By importing this data into the Case File screen, inspection and investigation data records in the ICIS Compliance Monitoring module will not be affected. However, if the Case File Record for a facility exists as a result of the import, that Case File record should be amended to add any NEI addressing action instead of creating a new Case File record.

If you have questions about the planned NEI Data Migration, please contact Dan Klaus, at 202-564-7757 or Klaus.dan@epa.gov.

Superfund Reporting

13. Superfund Enterprise Management System (SEMS) in FY 2016

The Office of Land and Emergency Management's (OLEM), Superfund Enterprise Management System (SEMS) was formally deployed in the first quarter of FY 2014. SEMS replaced the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) reporting tool formally used for Superfund accomplishments reporting.

Beginning in FY 2014, regions began managing accomplishments data, which includes GPRA measures and responsible party commitments, for the Superfund enforcement program in SEMS. Due to the unique circumstances associated with the CERCLIS to SEMS transition, the complexity of the data migration, as well as the heavy workload regions faced in validating and updating Superfund site data, the Office of Site Remediation Enforcement (OSRE) implemented an alternative approach to FY 2014 and FY 2015 end-of-year reporting to ensure accurate and timely accomplishments reporting for enforcement's key measures and to meet the Agency's annual reporting requirements. Both FY 2014 and FY 2015 end-of-year accomplishments data were reported manually and certified through the OECA data certification process.

In FY 2016, OSRE will resume regular protocol with regard to end-of-year accomplishments reporting. After the April release of the new SEMS Site Management screen, regions now have the third quarter to become familiar with the new screen and begin entering FY 2016 enforcement accomplishments data. OSRE did not pull FY 2016 mid-year accomplishments data from SEMS; however, OSRE will pull SEMS data early in the fourth quarter for review with the anticipation of pulling final end-of-year accomplishments data from SEMS on the 10th business day of October. As in past years, OSRE will provide certified accomplishments data from SEMS to OC as part of its end-of-year certification process.

With the suspension of Primavera and the creation of the new Site Management screen in SEMS, it is anticipated that data entry will be faster and less complicated. Regions should work to identify and correct any FY 2014 and FY 2015 outstanding Superfund enforcement accomplishments data errors or omissions in SEMS by the end of first quarter 2017.

If you have questions about Superfund Reporting, please contact Mary Bell, at 202-564-2256 or bell.mary@epa.gov.

Environmental Justice

14. Minor Modifications Made to the Exempted Cases Section of the Environmental Justice (EJ) Technical Directive

In November 2015, a revised version of the EJ Technical Directive, the *“Internal Technical Directive: Reviewing EPA Enforcement Cases for Potential Environmental Justice Concerns and Reporting Findings to the ICIS Data System,”* was issued with minor modifications. These modifications were made in response to concerns raised about some of the categories of enforcement cases listed in the Technical Directive that were identified as exempt from the required EJ review. As a result, the EJ Technical Directive has been revised and reissued. See:

http://intranet.epa.gov/oeca/files/ej/revisedtechnicaldirective-ejreportingfinalreissued110215.pdf#_ga=1.264249167.1714800416.1426003749

In particular, one exempted category has been deleted, one category has been added and two exempted categories have been modified. The exempt category of cases that has been deleted is for “Referrals for enforcement of previously issued administrative orders.” Upon reconsideration, it became evident that the basis for this exemption was not that the case lacked a meaningful location, but, rather, it had to do with avoiding duplicating an earlier and still relevant EJ review. Though this exemption has been deleted, in some instances, it still may not be necessary to redo an EJ review for a follow-on enforcement case. If, for instance, an administrative order was issued and not complied with, and a referral is made for the same violations at the same location, and the prior EJ review was: 1) a Tier 2 enhanced screening review; and, 2) done using the same version of EJSCREEN, then it would be appropriate to simply transfer the results of that earlier review to the EJ data fields in the new ICIS referral record.

In addition, the following three Superfund-specific exemptions (Numbers 14, 15 and 16 in the EJ Technical Directive) have replaced the former two Superfund exemptions:

- CERCLA cost recovery (where cost recovery is the only claim and the case is not expected to result in the deposit of a significant amount into a special account or otherwise involve some aspect that might specifically benefit the community at the Superfund site)
- Non-Superfund bankruptcy referrals (where the underlying action considered potential EJ concerns)
- Superfund bankruptcy referrals, except in instances where the bankruptcy action is expected to result in the deposit of significant monies into a site-specific special account or the case involves some other aspect that might benefit the community at the Superfund site.

These three Superfund exemptions clarify the Superfund cases that are properly treated as exempt from EJ review due to lack of a meaningful location for a review.

If you have questions about EJSCREEN data reporting, please contact Dan Palmer, at 202-564-5034 or palmer.daniel@epa.gov.

15. Update Coming to EJSCREEN Data in ICIS

OC intends to update the EJSCREEN information in ICIS that feeds the EJSCREEN Flag (auto) data field on the ICIS FE&C Enforcement Action (EA) Basic Info screen. This EJSCREEN data was first uploaded to ICIS at mid-year of FY 2014. The EJSCREEN database is in the process of being updated with more current information from a number of program databases. When this update to EJSCREEN is completed in the spring of FY 2016, OC will obtain the EJ flags for all of the facilities in ICIS and replace the existing facility/EJ flag data with the new data. (Note, EJSCREEN flags already populated into the EA EJSCREEN Flag (auto) data field for existing EA records will not be changed when the ICIS EJSCREEN data is updated.)

If you have questions about EJ data reporting in ICIS, please contact Dan Palmer, at 202-564-5034 or palmer.daniel@epa.gov.

Data Quality Reminders

16. Mid-Year Data Review Changes based on June 2015 LEAN Team Agreement

In June 2015, the LEAN team agreed that beginning in FY 2016, regions and OECA offices would not be required to submit the electronic certification form for mid-year data. It was also agreed that regions and OECA offices would continue to complete regular data quality reviews to ensure compliance and enforcement data are correct. ICIS Data Quality Review (DQR) reports, DOJ reports, and the Federal Enforcement and Compliance (FE&C) Dashboard (formerly, OECA Suite of Measures Summary (OSMS) Dashboard) will remain an integral part of regular regional and headquarters data quality reviews.

From this date forward, all mid-year data of the current fiscal year should be entered no later than April 20.

- It is no longer required to have Regional Administrators and OECA Office Directors certify mid-year data. However, regions and OECA offices should continue to complete regular data quality reviews to ensure compliance and enforcement data are correct. ICIS data should be reviewed using ICIS DQR reports; and DOJ reports should be reviewed for significant discrepancies.
- In FY 2016, regions and OECA offices are not required to enter projection data into ICIS. Projection data will be acquired through regular conversations with OC, OCE, OSRE, and regions. Headquarters may enhance FE&C Dashboard capabilities to include projections.

(Note that FY 2016 mid-year data was used to inform OECA senior management when they traveled to the regions to discuss the regions' FY 2017 Regional Plans and FY 2016 activities and performance.)

If you have questions, please contact Sara Ager, at 202-564-7968 or ager.sara@epa.gov.

17. Reviewing Department of Justice (DOJ) Reports and Identifying Discrepancies

This is a reminder of the importance of reviewing and comparing the DOJ reports to information in EPA databases and identifying any discrepancies. This is especially important with regard to the DOJ Debts Assessed report. Measures for which both DOJ and EPA reports should match include: penalties, stipulated penalties, SEPs, injunctive relief, and cost recovery. In cases where there are discrepancies, the EPA case attorney should be contacted to reconcile the discrepancy with the DOJ case attorney. DOJ reports are sent to EPA on a monthly basis and are posted to the EPA OneDrive. Here is the link to EPA OneDrive: https://usepa-my.sharepoint.com/personal/sprague_david_epa_gov/Documents/DOJ%20Reports%20-%202016.

If you need access to OneDrive, please contact David Sprague, at 202-564-4103 or Sprague.david@epa.gov.

18. Reminder about Requirement to Submit Environmental Benefit Calculations to Headquarters for Review

In FY 2016, the regions are required to continue submitting calculations of environmental benefits accruing from EPA enforcement actions to Headquarters for review as part of the Office of Compliance's data quality process. The data quality process is designed to facilitate nationally consistent use of established CCDS methodologies and tools for calculating environmental benefits and to assure the necessary steps are taken to satisfy quality control requirements supporting the case data reported in ICIS.

Regions are required to forward to the HQ email box: inman.donna@epa.gov all "Big Case" environmental benefit calculations, which are defined as follows:

- Any concluded federal enforcement case with injunctive relief and/or SEP related environmental benefits (e.g., pollutant reductions) estimated at **5 million or more environmental benefit units** (lbs, cubic yards, etc.).
- For **Air Toxics cases** the threshold is lowered to **200,000 lbs.**
- Applies only to complying actions in the "Removal & Restoration" or "Reduction of Ongoing Release" reporting categories as defined in the FY 2014 CCDS guidance (see: <http://intranet.epa.gov/oeca/oc/pmod/index.html>).

The specific environmental benefit information HQ requires is a written step-by-step computation of estimated pollutant reductions to be achieved as a result of the final enforcement action. Further, as described in the CCDS guidance, whenever available, regions should use case-specific loading, emission or concentration data to calculate the benefits, or the sector and/or parameter default values provided in the FY 2014 CCDS Guidance and calculator tools.

Please direct any questions concerning application of the CCDS guidance or the calculation of environmental benefits to Donna Inman (OC/PMOD), at 202-564-2511 or inman.donna@epa.gov.

